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# Public Notice

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**Applicant:**

CWM Chemical Services,  
L.L.C. ATTN: Ms. Rebecca Zayaty

**Date:**

Published: May 30, 2002  
Expires: June 13, 2002

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 2000-01534(3) Section: NY 404**

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**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

CWM Chemical Services, L.L.C., 1550 Balmer Road, P.O. Box 200, Model City, New York 14107 has applied for a Department of the Army permit to impact approximately 0.33 acre of federal wetland in connection with the development of a 2.45 acre flood storage basin.

The creation of the flood storage area is required by the New York State Department of Environmental Conservation (NYSDEC) in Module I, Condition C.1(a) and (b) of CWM's Residuals Management Unit No. 1 (6NYCRR Part 373) permit no. 9-2934-00022/00036. CWM created 4.38 acres of emergent wetland and wet meadow in 2001. 0.69 acre of this wetland was used as mitigation for a previous action. Never the less, CWM is now proposing to use 0.51 acre of this wetland as mitigation for the loss of 0.33 acre of federal wetland under this proposal. The purpose of the project is to create a Compensatory Flood Storage Area at the Model City Facility in the Town of Lewiston & Porter, Niagara County in order to comply with the terms and conditions of the New York State Department of Environmental Conservation permit for Residuals Management Unit No. 1.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to James A. Seyler, who can be contacted by calling (716) 879-4337, or by e-mail at: james.a.seyler@lrb.usace.army.mil

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of James A. Seyler, or by e-mail at: james.a.seyler@lrb.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the

Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

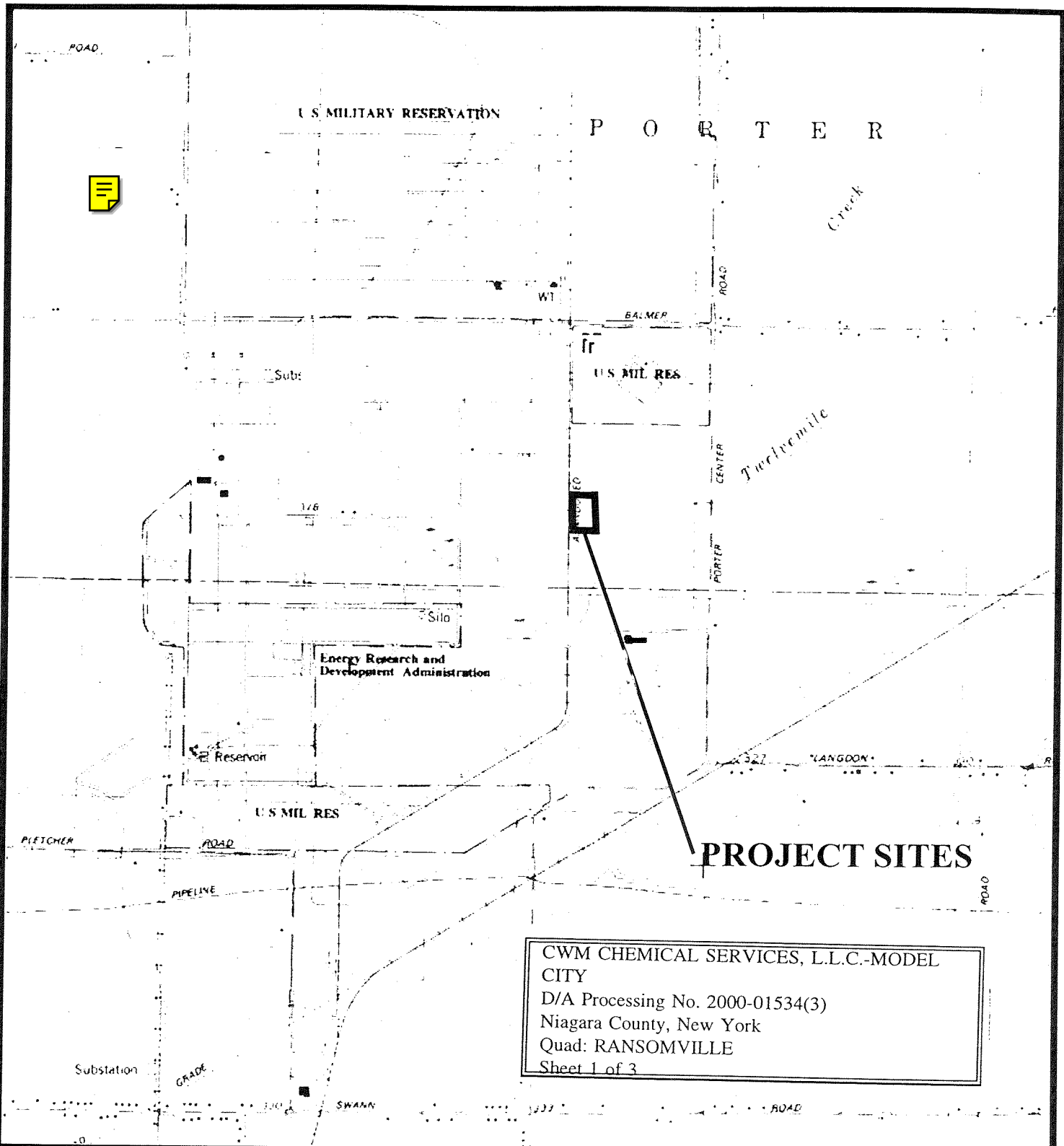
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

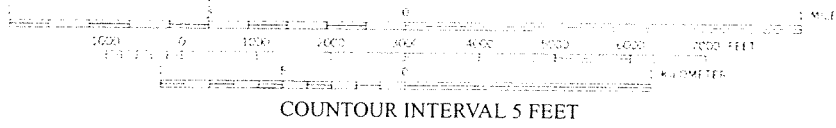
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.



CWM CHEMICAL SERVICES, L.L.C.-MODEL CITY  
 D/A Processing No. 2000-01534(3)  
 Niagara County, New York  
 Quad: RANSOMVILLE  
 Sheet 1 of 3



Legend: \_\_\_\_\_ Site Boundary  
 Base Map: USGS Ransomville Quadrangle  
 Prepared by: Environmental Design & Research, P.C.

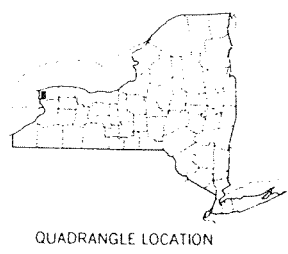
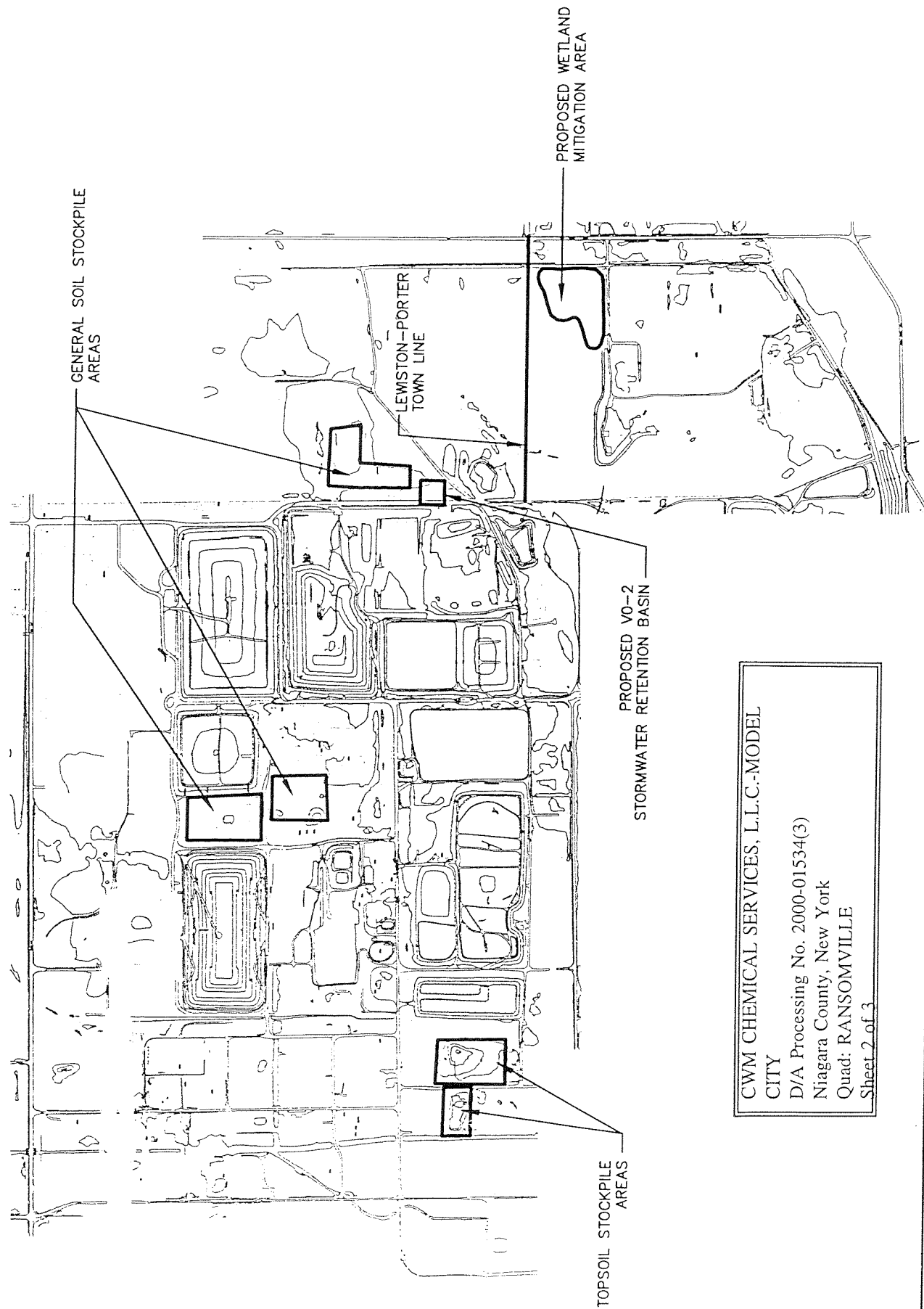
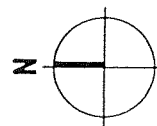


Figure 1. Site Location



CWM CHEMICAL SERVICES, L.L.C.-MODEL  
 CITY  
 D/A Processing No. 2000-01534(3)  
 Niagara County, New York  
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 Sheet 2 of 3



Not to Scale

**Figure 2**  
**Proposed Project Areas on**  
**The Model City Site**



